

**ORAL STATEMENT OF
PETER D. WORTHINGTON
DATTCO, INC.**

**ON BEHALF OF THE
AMERICAN BUS ASSOCIATION**

**ON THE
FUTURE OF THE OFFICE OF MOTOR CARRIERS (OMC)
AND CONCERNS OF THE MOTORCOACH INDUSTRY**

**BEFORE THE
COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION
UNITED STATES SENATE**

APRIL 27, 1999

Mr. Chairman and Members of the Committee, my name is Peter Worthington.

I am Director of Sales for Dattco Incorporated of New Britain, Connecticut.

Dattco is

a full-service passenger transportation company, operating over-the-road motorcoaches, transit and paratransit systems and school buses. In total, our fleet consists of over

800 vehicles. I am before you today as chairman of the American Bus Association's (ABA) Safety Committee. I deeply appreciate the opportunity you have given ABA today to present our industry's views on the Inspector General's analysis on the proposed movement of the Office of Motor Carriers (OMC) from

the Federal Highway Administration (FHWA) to the National Highway Traffic Safety Administration (NHTSA). We also appreciate you giving us the opportunity to discuss general safety issues and other concerns of the intercity motorcoach industry.

ABA is the national trade association for the intercity motorcoach industry. We have approximately 700 member companies that operate motorcoaches in intercity service. Some 100 of ABA's member companies provide regular-route-scheduled service, and nearly all of the operator members provide some sort of charter, tour or commuter service.

The motorcoach industry accounts for a significant portion of overall travel in the United States. There are approximately 3,500-4,000 motorcoach companies in the U.S. These companies represent approximately 35,000 over-the-road motorcoaches used for charters, tours, regular-route service and special operations in North America. While ABA represents approximately 20 percent of all companies, our members represent two-thirds of all motorcoaches used in interstate passenger transportation.

Safety has always been our industry and ABA's number one priority, and current statistics bear this out. Travel by motorcoach is by far the safest mode of transportation available to the public. According to the National Safety Council, during the last decade for which statistics are available, 1987-1996, interstate motorcoach travel accounted for an average of 4.3 on-board fatalities per year compared to an average of 44,080 persons per year killed in all highway

fatalities during this period. For those 10 years, the on-board motorcoach fatality rate was .018 per 100 million passenger miles. ABA and its member companies believe that even one fatality is tragic and is too many. Further, our industry should continually look to improve.

At the same time, the record our industry achieved was accomplished by motorcoach operators and manufacturers through their own efforts to promote the highest standards of safe design and operation and through their compliance with stringent federal and state safety regulations. The very fact that ABA has a safety committee indicates just how important this issue is to our members. This committee provides important information on regulatory compliance to our members and to the industry.

Over the years, ABA has developed a good working relationship with the Office of Motor Carriers (OMC). We have invited officials of the agency to attend our business meetings to provide timely information on implementation of regulations and to openly address any concerns of the industry. In addition, ABA has assisted OMC in working to advance destination inspections by working with our destination and attraction members to encourage inspections at those properties. I personally believe this has contributed enormously to the exemplary safety record of the motorcoach industry.

While the ABA would not oppose the proposal to move OMCHS from the Federal Highway Administration (FHWA) to NHTSA, we feel that it is more

important to ensure that no matter where OMCHS resides, the motorcoach industry will be viewed as separate and distinct from the trucking industry. A bus is not a different type of truck and ABA has worked hard over the past several years to distinguish our industry from that of the trucking industry. We strongly believe that there should be a separate approach toward regulating each industry, particularly given the excellent safety record of motorcoaches and the unique scheduling and driving patterns inherent to the motorcoach industry. One issue we may have with the proposal to move OMCHS to NHTSA is the fact that NHTSA is a standard-setting organization and does not deal with enforcement issues, which are of primary concern to ABA.

One area, which distinguishes the motorcoach industry from the trucking industry, is the issue of hours-of-service regulations. Currently, a motorcoach operator may be behind the wheel a total of 10 hours before having 8 consecutive hours of rest. We strongly oppose any change to the current 10 hours of service regulations. This once again illustrates our industry's strong adherence to safety as it's first priority and its self-monitoring approach to the issue.

Certainly there are many areas in which OMCHS could improve its operations and regulatory oversight. First, it is critical that they begin to collect more data and statistical information that would greatly enhance the effectiveness of new regulations. This additional data would allow OMCHS rulemaking to better reflect the true problems they are designed to address.

Second, with deregulation there has been an explosion in the number of operators, a vast majority of which is unknown to DOT. These companies are not subject to DOT audits or even rated. There is currently no program in place to deal with this concern.

Thirdly, our industry has long advocated a third-party inspection program to expand the number of inspections and our industry's safety record. We believe that OMCHS could do more on this issue.

Another area where OMCHS needs to improve enforcement is with activities of the commercial passenger-carrying vans. In recent years, particularly with the advent of the North American Free Trade Agreement (NAFTA), there has been a flood of commercial passenger vans providing service throughout the United States without any federal safety regulation.

Under the leadership of this Committee, Congress has twice taken action to correct this problem. First, in 1995, Congress redefined the term, "commercial motor vehicle" to include for-hire passenger vans; OMC chose not to take action. Then in the Transportation Equity Act for the 21st Century (TEA-21), Congress mandated that one year from the date of TEA-21's enactment, the Federal Motor Carrier Safety Regulations would apply to commercial passenger vans except to the extent that DOT exempts certain van services after a rulemaking proceeding.

The one-year anniversary date is now two months away and at a recent meeting ABA had with OMCHS, we were informed that it would shortly be promulgating a rulemaking in this area. We encouraged them to set up an

effective enforcement mechanism for commercial passenger vans when federal standards start applying to them in two months.

In conclusion, while there are many areas in which OMCHS can improve its operations and effectiveness, ABA's primary concern is that it better distinguish between the motorcoach and trucking industry and apply rules and regulations accordingly. With our ongoing efforts to strengthen our relationship with OMCHS, ABA has made great strides in making OMCHS understand the unique nature of the motorcoach industry and would like to see a continuation of the relationship between the two organizations regardless of what agency OMCHS ultimately falls under.

Mr. Chairman, and members of the Committee, ABA appreciates this opportunity to offer its testimony on the future of the Office of Motor Carriers and Highway Safety and safety concerns of the motorcoach industry and I would be pleased to answer any questions you may have. Thank you very much.